

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6371

BILL NUMBER: HB 1074

NOTE PREPARED: Jan 23, 2008

BILL AMENDED: Jan 22, 2008

SUBJECT: Disarming a Law Enforcement Officer.

FIRST AUTHOR: Rep. Soliday

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

It makes it a Class C felony if a person knows that another person is a law enforcement officer or corrections officer and the person knowingly or intentionally takes or attempts to take a firearm or weapon from the officer or from the immediate proximity of the officer without the consent of the officer and while the officer is engaged in the performance of his or her official duties.

It enhances this crime to a Class B felony if the officer is injured and a Class A felony if the officer dies or if the officer is injured and a firearm was taken.

It allows a court to suspend only that part of a sentence that is in excess of the minimum sentence imposed on a person convicted of disarming a law enforcement officer.

Effective Date: July 1, 2008.

Explanation of State Expenditures: There are no data available to indicate how many people may be convicted of disarming a law enforcement officer (a Class C felony), of disarming a law enforcement officer causing serious bodily injury (a Class B felony), or of a Class A felony if the officer dies or if a firearm is taken and the offense results in serious bodily injury to the officer.

Depending upon mitigating and aggravating circumstances, a Class C felony is punishable by a prison term ranging from 2 to 8 years, a Class B felony is punishable by a prison term ranging from 6 to 20 years, and a Class A felony is punishable by a prison term ranging from 20 to 50 years. The average length of stay in

Department of Correction facilities for all Class C felony offenders is approximately 2.0 years, Class B felony offenders is approximately 3.7 years, and for all Class A felony offenders is approximately 9.1 years.

For offenders convicted of disarming a law enforcement officer, the court may only suspend the part of a sentence that is in excess of the minimum sentence imposed. The minimum sentence for a Class C felony is 2 years, for Class B felony is 6 years, and for a Class A felony is 20 years. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time.

The average expenditure to house an adult offender was \$19,185 in FY 2007. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,138.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for all felony offenses is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$17), public defense administration fee (\$3), court administration fee (\$3), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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